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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,541	02/20/2004	William J. Pestone	Lehigh.6790	7440

7590 03/27/2006

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EXAMINER

DONOVAN, LINCOLN D

ART UNIT	PAPER NUMBER
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2832

DATE MAILED: 03/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

10

Office Action Summary	Application No. 10/783,541	Applicant(s) PESTONE, WILLIAM J.	
	Examiner Lincoln Donovan	Art Unit 2832	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2006.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 9-22 is/are pending in the application.
 4a) Of the above claim(s) 3 and 4 is/are withdrawn from consideration.
 5) ☒ Claim(s) 9-20 is/are allowed.
 6) ☒ Claim(s) 1,2,5 and 22 is/are rejected.
 7) ☒ Claim(s) 21 is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☒ The drawing(s) filed on 20 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 5-8 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snider [US 6,677,846] in view of Jameson et al. [US 5,395,148].

Snider discloses a device for attracting metal particles [figure 6] comprising:

- a longitudinal member [41] having first and second ends;
- a housing connected to the second end substantially perpendicular to the longitudinal member [figure 6] having a magnet [12] disposed therein
- a plate [14] having a surface area secured to the housing and positioned within a proximity to the magnet to magnetize the plate with the surface area of the plate having a larger square area than that of the magnet.

Snider discloses everything claimed except an a cleaning means slidably mounted on the plate for cleaning the surface thereof.

Jameson et al. disclose a magnetic sweeper with a cleaning means [124] mounted about a collection plate [120, figure 6].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a cleaning means with the sweeper of Snider, as suggested by Jameson et al., in order to clear debris away from the cleaning surface.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Snider, as modified, as applied to claim 1 above, and further in view of Ottens [US 6,669,024].

Snider, as modified, disclose everything claimed except the housing being pivotally connected to the second end.

Ottens discloses a magnetic sweeper [10] having a magnetic element [12] attached to an end of a longitudinal member [16] via a pivot connection [figure 1].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Snider, as modified, to use the pivot connection design of Ottens in order to optimize the pickup area of the sweeper.

Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snider, as modified, as applied to claim 1 above, and further in view of Berger [US 6,056,339].

Snider, as modified, disclose everything claimed except the specific mounting of the additional magnet.

Berger discloses mounting a pickup magnet within a cavity of a longitudinal support member [figure 1] being able to be extended beyond the cavity or be flush therewith.

It would have been obvious to one of ordinary skill in the art at the time the invention was made modify the mounting structure for the magnet on the longitudinal member of Snider, as modified, as suggested by Berger, in order to optimize pick-strength for the particular environment of use.

Allowable Subject Matter

Claims 9-20 are allowed.

Claim 21 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 1-2 and 5-22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lincoln Donovan whose telephone number is 571-272-1988. The examiner can normally be reached on M-F 8-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Enad Elvin can be reached on 571-272-1990. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ldd


LINCOLN DONOVAN
PRIMARY EXAMINER
GROUP 2100